

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

DISABILITY RIGHTS CENTER-NH,	)	
Plaintiff,	)	
	)	
v.	)	
	)	CIVIL ACTION
HELEN HANKS, in her official capacity as	)	FILE NO. 1:18-cv-160-LM
Commissioner of the NEW HAMPSHIRE	)	
DEPARTMENT OF CORRECTIONS, and	)	
MICHELLE EDMARK, in her official capacity	)	
as Warden of the NEW HAMPSHIRE	)	
STATE PRISON FOR MEN,	)	
Defendants.	)	
	)	

**ASSENTED-TO MOTION TO DISMISS WITH PREJUDICE AND  
RETAIN JURISDICTION TO ENFORCE SETTLEMENT AGREEMENT**

Plaintiff, the Disability Rights Center-NH (“DRC”), pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, respectfully requests that the Court dismiss this action with prejudice consistent with the terms of the Parties’ settlement agreement and retain jurisdiction for the purpose of enforcing the settlement agreement.

In support, DRC states:

1. DRC filed this action on February 20, 2018, seeking access to Defendants’ records in order to conduct a federally-authorized investigation into alleged abuse or neglect of an individual known as P.B. See ECF No. 1.
2. On April 18, 2018, the Court granted DRC’s motion for a preliminary injunction and ordered Defendants to produce within strict timeframes the records that DRC had requested and any records that DRC would request in the future course of the investigation or any related investigation. See ECF No. 13 (hereinafter, “the Order”).

3. The Parties have executed a settlement agreement and release (hereinafter, “the Agreement”) resolving all remaining issues in this case.

4. The Agreement provides that the Parties shall be permanently bound by the terms of the Order.

5. The Agreement also provides for payment of DRC’s attorneys’ fees, the release of DRC’s claims, and others matters.

6. As reflected in the Agreement, the Parties desire that the Court shall dismiss the case with prejudice and retain jurisdiction solely to enforce the Agreement, if necessary. The Court should retain jurisdiction to enforce the Agreement because an enforcement action would likely involve questions of DRC’s access authority arising under this Court’s Order and federal law, with which this Court is already familiar.

7. If the Court requests, the Parties will file the Agreement for the Court’s review.

8. Attached as Exhibit 1 for the Court’s convenience is a proposed order dismissing the case and retaining jurisdiction to enforce the terms of the Agreement.

9. Defendants assent to the relief requested in this motion, in accordance with Local Rule 7.1(c).

WHEREFORE, Plaintiff respectfully requests:

- a. the Court retain jurisdiction to enforce the Agreement, and
- b. dismiss the action with prejudice on terms consistent with the Agreement.

Respectfully submitted,

/s/ Andrew L. Milne  
N.H. Bar No. 268073  
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Dated: August 28, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has this day been sent via the Court's ECF system to Lindsey Court, Esq. and Rebecca Ross, Esq., counsel for Defendants.

/s/ Andrew L. Milne  
Andrew L. Milne, Esq.  
N.H. Bar No. 268073